

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)
v.)
GEORGIANNA A.M. GIAMPIETRO)
No. 2:19-cr-00013
Chief Judge Crenshaw

PARTIES' JOINT NOTICE REGARDING DEFENDANT'S MOTION TO COMPEL

The United States of America, by and through its attorneys, the Acting United States Attorney for the Middle District of Tennessee and the Chief of the Counterterrorism Section of the National Security Division, United States Department of Justice, and Charles Swift, counsel for defendant, respectfully file this Joint Notice Regarding the Defendant's Motion to Compel, filed on July 28, 2021 (D.E. 202). In support thereof, the parties submit the following:

The Government has conferred with representatives from the Federal Bureau of Investigation, Memphis Division, Nashville Resident Agency (“RA”) regarding the process by which the defendant can request that the Department of Homeland Security grant a Significant Public Benefit Parole to the defendant’s proposed expert in this case: Aymenn Jawad Al-Tamimi (“Al-Tamimi”). In order for such a parole to be granted by the Department of Homeland Security, a federal agency must sponsor the particular individual through the process. Because Al-Tamimi is currently a witness for the United States in a case in Detroit, in which the FBI is the investigating agency and the agency sponsored Al-Tamimi for admission into the United States in the last couple of months, the FBI, through its Nashville RA, has agreed to sponsor Al-Tamimi for parole purposes in this case so that he may be available to testify on behalf of the defense at trial. The undersigned Assistant United States Attorneys (“AUSAs”) have coordinated with representatives of the FBI’s Nashville RA to assign a special agent, unaffiliated with the Government’s

investigation in this case, who will work with defense counsel to complete and submit the necessary paperwork to the Department of Homeland Security requesting that Al-Tamimi be granted parole for purposes of this trial.¹ While the ultimate decision of whether Al-Tamimi will be granted parole and entry into the United States is a decision within the sole purview of the Department of Homeland Security, the undersigned AUSAs have no reason to believe such a request will not be granted in this case in light of the fact that the witness was recently paroled into the United States.

The Government will put defense counsel in touch with the assigned special agent today and defense counsel has advised that by no later than close of business Friday, July 30, 2021, defense counsel will provide said agent with the information necessary to fulfill the application process, as well as anything else such as documentation, photographs, subpoenas, etc.

Based upon the information set forth above, the parties believe that significant progress has been made, and will continue to be made, regarding this matter and we expect that such matter will be resolved. As such, the parties believe there is no need for additional filings (i.e. a Government response to the defendant's Motion to Compel (D.E. 202) or a defense reply) at this time and ask that no additional filings be required at this time. Should the status of this situation change, the parties will alert the Court. Additionally, in light of the information provided herein, the parties do not believe any hearing is necessary on Monday, August 2, 2021, and ask that no hearing be scheduled at this time.

¹ The first time the Government became aware that the defense was having an issue securing Al-Tamimi for trial was on Monday, July 26, 2021, when the victim-witness coordinator for the United States Attorneys' Office spoke with a representative of defense counsel's office. On that date, the Government provided defense counsel with the identities of the agencies that the undersigned AUSAs believed were the appropriate parties through which the defense could request assistance related to this matter.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the parties jointly provide the above information to the Court and ask that no additional briefing or hearings be ordered relating to this matter at this time.

Respectfully Submitted,

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